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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,815	02/24/2000	Alfred Rast	GR 99 P 4036 US	5476

7590 12/11/2002
Lerner & Greenberg PA
P O Box 2480
Hollywood, FL 33022-2480

EXAMINER

SONG, SARAH U

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/511,815

Applicant(s)

RAST ET AL.

Examiner

Sarah Song

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12, 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's communication filed on September 30, 2002 has been carefully studied by the Examiner. The arguments advanced therein, considered together with the amendments made to the claims, are persuasive and the rejections based upon prior art made of record in the previous Office Action are withdrawn. Claims 1 and 6 have been amended. Claims 7-9 have been added. Claims 1-9 are pending.

2. The prior art documents submitted by the applicant in the Information Disclosure Statements filed on August 6, 2002 and September 30, 2002 have all been considered and made of record (note the attached copy of form PTO-1449).

Claim Objections

3. Claims 6 and 8 are objected to because of the following informalities: regarding claim 6, in line 3 of the claim, examiner suggests insertion of --said module-- before "having" or replacing the "," with --and-- to clearly associate the planar top side with the module body; regarding claim 8, "said catch arms" lacks proper antecedent basis, and for purposes of examination, "arm" will be interpreted as "elements" (note line 2 of claim 2). Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuo et al. (U.S. Patent 5,369,529, newly cited). Kuo et al. discloses an electro-optical module including a module body 109 disposed on a PCB 122, said module body having a planar top side (see figures 1 and 2); an optical connector interface (portion between surfaces 112 and 134) disposed *at* the top side of said module body; an electro-optical converter 113 disposed in said module body; a fiber optic waveguide segment 102 having an end region 105; and a connector 101 accommodating said end region, said connector being connectable to said optical connector interface (figure 2) for optically connecting said end region. The connector includes catch elements 206 for connecting said connector to the interface/module body. The module is surface-mountable. The fiber optic waveguide segment is oriented horizontally in a mounted state and the interface includes a beam deflector 136. The connector interface is formed as one piece (i.e. molded). The connector interface additionally includes laterally extending grooves 207 formed therein for guiding and fixing said catch elements 206. See column 3, lines 11-14; column 4, lines 14-48.

6. Claims 1, 3, 4, 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Selli et al. (U.S. Patent 6,086,263). Selli et al. discloses an electro-optical module including a module body 238 disposed on a PCB 208, said module body having a planar top side; an optical connector interface 230 disposed *at* the top side of said module body; an electro-optical converter 210 disposed in said module body; a fiber optic waveguide segment 236 having an end region; and a connector 12 accommodating said end region, said connector being connectable to said optical connector interface 230 (column 3, lines 39-42) for optically connecting said end

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region. The module is surface-mountable (see Figure 14) and the connector interface is formed as one piece (integrally molded, column 13, lines 30-45). Regarding claim 3, Selli et al. discloses that the distance between the fiber stop and the surface of the PCB is 3.05 mm (column 13, lines 11-13). The fiber stop corresponds with the location of the end of fiber segment that projects from the connector, and the surface of the PCB corresponds with the bottom side of the electro-optical module; therefore, the waveguide segment also extends at a height of more than 3 mm above the bottom side of the electro-optical module.

Response to Arguments

7. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dwarkin et al., Cryan et al., Kropp et al. and Weigel disclose electro-optic modules comprising an optical interface disposed on the top side of the module body and a connector accommodating an end region of a fiber optic waveguide segment, said connector being connectable to said optical connector interface for optically connecting said end region, but references do not qualify as prior art.

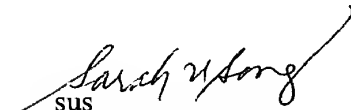
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning the merits of this communication should be directed to Examiner Sarah Song at telephone number 703-306-5799. Any inquiry of a general or clerical nature, or relating to the status of this application or proceeding should be directed to the receptionist at telephone number 703-308-0956 or to the technical support staff supervisor at telephone number 703-308-3072.


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December 4, 2002

